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SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 February 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 3.10 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1994/15, A/48/525)

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME IN SOUTH AFRICA (agenda item 6) (continued) (E/CN.4/1994/16, E/CN.4/Sub.2/1993/11/Add.1)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 14) (continued) (E/CN.4/1994/63, E/CN.4/1994/66)

1. Mr. GLELE-AHANHANZO (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), presenting his first report (E/CN.4/1994/66), began by recalling that men and women who had experienced colonization were still encountering insidious and disguised manifestations of racism and racial discrimination.

2. He had indicated in his first report the guidelines he would be following in order to discharge his mandate satisfactorily. On the one hand, analysing facts through communications implied a comprehensive, broad and multidimensional approach. The methodology should encompass the world's populations and different regions as a whole, in a spirit of dialogue with the Governments concerned and in consultation with the non-governmental organizations. Although it was true that in resolution 1993/20 relating to his mandate, the Commission had made particular mention of the developed countries, it was no less important to extend consideration of the question to other continents and cultural regions.

3. On the other hand, it was also necessary to adopt a theoretical and conceptual approach to new forms of discrimination. An effort needed to be made to identify the full extent of the concepts of discrimination, xenophobia and intolerance, as well as their new forms which were often insidious, subtle and difficult to grasp.

4. He hoped that he would be able to depend on the goodwill and active cooperation of all Governments, and especially of the members of the Commission, and the Centre for Human Rights, specialized agencies of the United Nations system and NGOs working in the field.

5. Lastly, he said he would like to suggest that at the conclusion of the Third Decade to Combat Racism and Racial Discrimination a memorial be erected in honour of the victims of racial discrimination within the grounds of the Palais des Nations at Geneva to promote awareness of the evils of racial discrimination and to emphasize the continuing and sustained activities of the United Nations against all forms of racism. Such an initiative would be financed by voluntary contributions.

6. Mr. ABRAM (World Jewish Congress) said that, although the Commission had time and again condemned racism, apartheid, xenophobia, sexism and discrimination, it had never condemned anti-semitism, which had been the cause of an incalculable number of horrors and tragedies. Anti-semitism had been a constant feature of Jewish life in the Diaspora for 2,500 years. What had begun as religious persecution had been transformed into "genetic" persecution. Since 1948, anti-semitism, which had been widely discredited by the Nazis' attempt to exterminate the Jews, had assumed the guise of anti-zionism, and actions and views that were hostile to Israel. The former Deputy Prime Minister of Sweden, Mr. Per Ahlmark, had said that the anti-Zionist campaigns had in fact merged with traditional anti-semitism. Even during the current session of the Commission there had been talk of the "Judaization" of the Middle East. Furthermore, anti-semitism, while starting by being directed against the Jews, ended up, if it were not fought against, by affecting other groups and minorities and destroying democratic institutions and the rule of law.

7. The report of the Secretary-General of the United Nations of 1992 on behalf of the Sub-Commission on Prevention of Discrimination and Protection of Minorities underlined the resurgence of anti-semitism and revisionism. In addition, 35 members of the Conference on Security and Cooperation in Europe had been party to the Charter of Paris for a new Europe, in which 35 Heads of State had expressed their determination to "combat all forms of racial and ethnic hatred, anti-semitism and xenophobia ...". Furthermore, all NGOs had condemned anti-semitism at the World Conference on Human Rights. It was therefore time to take a clear-cut stand against one of the most ancient violations of human rights and to condemn what all religious leaders had denounced, namely anti-semitism.

8. Ms. JAMES (Amnesty International) considered that in South Africa the conditions had been met for creating a society based on legality, respect for the rights of every individual and justice. The Constitution of the Republic of South Africa Act, adopted by the Tricameral Parliament of South Africa on 22 December 1993, enshrined a set of fundamental rights, which represented an astonishing reversal after years of repression and injustice.

9. However, the hopes of South Africans would be stillborn if those who sought to participate in the 1994 elections became victims of extrajudicial executions, deliberate and arbitrary killings, torture or arbitrary detention. The present Government had a very great responsibility in that regard, because it controlled State resources, notably the security forces, but some share of responsibility also fell upon the Transitional Executive Council and the Independent Electoral Commission. In some areas, notably Natal, the East Rand and Bophuthatswana, violence and threats were casting shadows over the prospects for free and fair elections. In those regions, the role of the security forces was highly questionable, since it ranged from the direct involvement of the KwaZulu police in death squad killings to a failure to protect members of vulnerable communities, via the involvement of certain specialized units of the South African police in arbitrary detentions, torture and extrajudicial executions.

10. Current efforts by the police to build up relationships of confidence with the local communities should help to improve the criminal justice system and combat the impunity enjoyed by violators of human rights. Those initiatives, however, could be undermined if outside police units failed to coordinate their activities with those of the local police forces. Such efforts would also be undermined if the police continued their practice of arbitrary detention without trial and the use of torture.

11. Citizens of the nominally independent "homeland" of Bophuthatswana had suffered increased repression and new violations of human rights as a consequence of the rejection by the "homeland" authorities of the new Constitution and their refusal to participate in the planned elections. In the same way, members of the African National Congress (ANC), political activists, human rights activists and members of religious groups had also been victims of human rights violations when they attempted to organize meetings and training courses to inform voters of their rights and of the procedures they were to follow when voting.

12. In conclusion, during the present critical period in South African history, the Government, together with the Transitional Executive Council and the Independent Electoral Commission, should take all necessary measures to ensure that the elections took place in a calm atmosphere. The authorities should react impartially to situations of violence; they should guarantee that arrests were carried out with respect for the fundamental rights of those concerned, and that the rights to freedom of association and peaceful assembly were fully respected. Amnesty International urged the Government of South Africa to give its unequivocal support to the initiatives taken by local police units to re-establish a climate of trust with the communities to which they must be accountable for their activities, and also to commit itself unequivocally to conduct rapid investigations leading to members of the security forces and others implicated in human rights violations being brought to justice.

13. Ms. FARHI (International Council of Jewish Women) said that the organization she represented had frequently denounced, both before the Commission and before the Sub-Commission, discrimination against migrant workers, the resurgence of ultranationalist and extreme right-wing ideologies in eastern and western Europe, the insane policies of ethnic cleansing and many other avatars of the revival of intolerance in the world.

14. While the International Council of Jewish Women welcomed the appointment of Mr. Glélé-Ahanhanzo as Special Rapporteur on such matters, it continued to deplore the almost ostentatious and inexplicable absence of any mention of the phenomenon of anti-semitism in United Nations documents on human rights. In fact, the word "anti-semitism" appeared only in the documents adopted by the Conference on Security and Cooperation in Europe in Copenhagen and Paris in 1990 and in the report presented by the Secretary-General of the United Nations in 1992 on the question of racism (E/CN.4/Sub.2/1992/11), and it was not even mentioned in the International Convention on the Elimination of All Forms of Racial Discrimination (the drawing up of which, however, had been started following anti-semitic incidents in 1959 and 1960). The term also did not appear in the Convention on the Prevention and Punishment of the Crime of Genocide or in the resolution concerning racism adopted by the

Commission at its previous session (resolution 1993/20), even if it did note with satisfaction the above-mentioned report of the Secretary-General, in which the question of anti-semitism was raised on no fewer than 20 occasions. The Secretary-General also underlined in his conclusions the importance of combating revisionism, which was one of the most ignoble forms of anti-semitism.

15. She wondered what explanation there could be for the fact that a phenomenon representing the archetype of all racisms and of all forms of intolerance remained gloriously ignored in international documents, which explicitly identified other manifestations of racial discrimination such as apartheid and intolerance of migrant workers. She also asked how it had been possible for 17 years, from 1975 to 1992, to tolerate an aberrant United Nations resolution equating zionism with racism, while at the same time refusing to accept that anti-semitism was a manifestation of racism, and possibly the most tragic of all such manifestations. Anti-semitism was not the problem of the Jews, even if they had been obliged to deal with it. It was a pathological phenomenon that was the concern of all, since today's cultural neo-racism could perhaps be regarded as a generalization of modern Judaeo-phobia. The Jew was in a sense the prototype of the so-called "culturally non-assimilable" who had been made the preferred targets of the ultranationalists; and racist and xenophobic movements had found in the anti-semitic arsenal both a language and some theoretical concepts which could be used against new victims.

16. Because the revival of anti-semitism was assuming alarming proportions in all countries, the International Council of Jewish Women urged the Commission, in the context of the Third Decade to Combat Racism and Racial Discrimination and on the basis of the report of the Secretary-General, to recommend the Sub-Commission to study the phenomenon of anti-semitism, with a view to issuing a declaration, and to incorporate anti-semitism as being a specific form of racism to be eradicated in all relevant documents relating to human rights, starting with the resolutions of the Commission at its present session.

17. Mr. CUNNIAH (International Confederation of Free Trade Unions) welcomed the positive developments that had taken place in South Africa since the previous session of the Commission, especially the establishment of the Transitional Executive Council, the adoption of a Provisional Constitution and the holding on 27 April 1994 of free and democratic elections. It was the culmination of a struggle by the liberation movement and the majority of the population of South Africa which had been made possible by the solidarity of the international community and, in particular, of the Commission, which had denounced the serious violations of human rights, and in particular trade union rights, in South Africa. The International Confederation of Free Trade Unions had always supported the independent and democratic South African trade union organizations in their liberation struggle.

18. However, the organization of the first elections to be held on the basis of universal suffrage was under threat from the recrudescence of violence, which had claimed the lives of more than 11,000 people since the beginning of the reform process in February 1990. The coming weeks would determine whether South African society as a whole chose democracy, national

reconciliation and reconstruction after three centuries of apartheid or whether it became engulfed in violence, chaos and civil war. In January 1993 a mission from the International Confederation of Free Trade Unions which had visited South Africa had emphasized that anti-democratic forces were seeking to destabilize the black community there through acts of violence aimed primarily at the trade unions and their members, with all the consequences that involved economically and socially for the families of those concerned. In response to that situation, the Confederation had sent a team to South Africa to report on the violations of trade union rights and acts of violence against trade unionists, and to establish, together with the independent trade unions, the mechanisms to put pressure on the authorities to take effective action to curb those attacks.

19. In the final analysis it was for the people of South Africa themselves to resolve their own problems. In that connection, the African National Congress (ANC) should be helped in its efforts to seek an understanding with the right-wing Freedom Alliance in order to avert a serious ethnic conflict. By the time the elections were held the international community must have sent a clear message to the minority extremist groups indicating that any act of desperation would be futile.

20. It would take many years to palliate the consequences of years of repression of the black majority in South Africa. Since the culmination of the political transition process implied at the same time a profound and massive socio-economic transformation, the international community should embark as soon as possible on a plan of action to eliminate the legacies of apartheid.

21. In conclusion, he said that the International Confederation of Free Trade Unions wanted the observer teams sent to South Africa to monitor the election of 27 April 1994 to be strengthened, and it called on the international community not to relax its vigilance. Finally, the Confederation wished to thank particularly the Special Rapporteur of the Sub-Commission, Ms. Attah, for her preliminary report on monitoring the transition to democracy in South Africa (E/CN.4/Sub.2/1993/11).

22. Mr. ENNACEUR (Tunisia), speaking on behalf of the African Group, congratulated the Special Rapporteur of the Sub-Commission on monitoring the transition to democracy in South Africa, Ms. Attah, and the Chairperson-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa for their reports on the situation in South Africa. As Ms. Attah had underlined, the efforts that had been made and the progress that had been achieved on behalf of democratization should be saluted and encouraged, as they represented a collective victory for Africa and for the entire international community over apartheid. However, it should also be noted that those achievements had only been brought about at the cost of great sacrifices.

23. A certain realism, however, called for vigilance to be maintained until the peace process led both in reality and on the ground to new democratic institutions and the promotion of civil, political, economic, social and

cultural rights in South Africa. The information provided by Amnesty International and that contained in a recent report by the United States Department of State also urged prudence and vigilance.

24. The international community must, in particular, ensure that the elections passed off without a hitch, by increasing the number of international observers, so as to limit the slip-ups and to enable those observers to fulfil their mission as well as possible. The culmination of the democratic process in South Africa depended on the participation of all the parties concerned in the success of the April elections. The African Group remained convinced that the principal threat was from the violence which was still rife in a number of provinces in South Africa. The African Group therefore supported Ms. Attah's recommendations regarding the need for a restructuring of the security services in order to rid them of their apartheid mentality and give them a greater sense of community.

25. Since that violence was exacerbated by the precarious economic situation of the black population, 40 per cent of which was illiterate and 70 per cent unemployed, the international community must also undertake to provide appropriate assistance in strengthening the emerging democratic institutions. Recommendations along those lines had been made by the Ad Hoc Working Group of Experts on southern Africa in its most recent interim report (E/CN.4/1994/15). In particular, the Working Group had emphasized the need to restore confidence within the South African population and to equip the country with a system of impartial justice. Although the Working Group had unfortunately not had the opportunity to visit South Africa, it had nevertheless been tireless in the efforts it had made to ensure that the international community was better informed about the situation in the region. The countries of the African Group reiterated their confidence in and support for the Working Group, especially during the crucial transitional period, and expressed a desire to see its mandate continued. They also expressed a desire that the Special Rapporteur of the Sub-Commission, Ms. Attah, should be able to have at her disposal all the facilities she required to carry out her work, particularly regarding the socio-economic aspects which she had not been able to deal with during her recent visit to South Africa.

26. Mr. FASEHUN (Nigeria) said that his delegation endorsed the statement made by Tunisia on behalf of the African Group. South Africa was at a critical turning-point, since in April 1994 it would be holding its first truly democratic and multiracial elections. However, the democratic process faced great difficulties arising out of the legacy of apartheid, as the Special Rapporteur of the Sub-Commission, Ms. Attah, had highlighted in her report. The international community had to assist South Africa in combating the violence if it was not to be an accomplice in anarchy and civil war that could set the whole of southern Africa ablaze. The priority should therefore be to see that the electoral process took place in conditions of the strictest legality.

27. But the consequences of apartheid were also felt on the social and economic level. Because of the illiteracy and unemployment that seriously affected the population, it was easy to see that there was a high risk of corruption, and that it would be simple to buy or intimidate voters. It was therefore vital for the United Nations system to allocate socio-economic

assistance programmes for South Africa with the help of the advisory and technical assistance services of the Centre for Human Rights. Material and financial support should also be provided to all the intergovernmental and non-governmental organizations concerned with providing information to voters and other aspects of the transition process in South Africa. The Special Rapporteur was right to recommend the international community to encourage every initiative that was likely to strengthen confidence, such as the summit meeting of black leaders which was held on 1 December 1993, as well as bilateral talks between the parties. A spirit of tolerance must be cultivated.

28. The April 1994 elections would, however, not be sufficient to erase the legacy of 350 years of apartheid. The international community must therefore continue to monitor South Africa's transition to democracy. The Commission, for its part, must authorize the Special Rapporteur to undertake further missions to South Africa in 1994 to gain better insights into the process and to report to the Commission at its fifty-first session. After three centuries of apartheid, the international community could not wash its hands of South Africa by truncating certain agenda items. The least it could do was to assist South Africa to make progress in respect for human rights and human dignity.

29. Mr. SQUADRON (United States of America) said that his country had been fighting for a very long time against racism and racial discrimination. In spite of the abolition of slavery by President Abraham Lincoln in 1863, African Americans had continued to be the victims of discrimination. It was not until 1954 that the Supreme Court ruled in the case of Brown v. Board of Education that racial segregation in education was unconstitutional. Since then, myriad statutes had been enacted at all levels of government to eliminate all discrimination linked to race, skin colour, religion, national origin or sex. Even so, some forms of racial discrimination and other forms of discrimination persisted, and the United States authorities were determined to eradicate them. In that respect, the nation's democratic regime and pluralist character encouraged such change for the better.

30. The position which the Supreme Court took in the ruling referred to above was supported and extended by the American Jewish Congress. He said he was proud to have been one of the legal advisers of that organization and to have played an active role for many years in the African American civil rights struggle and, in particular, to have been leading the American Jewish Congress delegation in its great march in Washington in August 1973 on the occasion when the Reverend Martin Luther King gave his famous "I have a dream ..." speech. Also taking part in that demonstration had been Mr. Joachim Prinz, in his capacity as the representative of the American Jewish community. Mr. Prinz, who had been a rabbi in Berlin and had suffered persecution at the time of Hitler, had had to seek refuge in the United States, from where he had watched with horror as the nations of the world stood motionless in the face of the attempted extermination of the Jews by the Nazis. Mr. Prinz had reminded those taking part in the Washington march that in the face of injustice it was "a sin to remain silent".

31. The United States was eager to continue to work with the Commission in its struggle against discrimination, and in particular to assist the Special Rapporteur's work on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The United States also planned to participate fully in the Third Decade to Combat Racism and Racial Discrimination. Although the American authorities had taken an active part in establishing the First Decade to Combat Racism and Racial Discrimination, they had stopped participating following the regrettable adoption by the General Assembly of the United Nations of a resolution equating zionism with racism. It was with great pleasure that the United States had associated itself with the decision in December 1991 to revoke that resolution.

32. The United States was also as concerned by the various forms of discrimination with regard to Arab Americans as it was by discrimination against Jews, African Americans or any other racial or religious group. He said his personal experience had convinced him that Arabs and Jews could work together to eliminate anti-semitism and all forms of racism and racial discrimination.

33. He noted with regret that the Commission had been silent with regard to anti-semitism, which was a form of discrimination. He recalled that the human rights movement had arisen out of a reaction to the horrors committed by the Nazis. In many ways Mrs. Eleanor Roosevelt's work on the Universal Declaration of Human Rights was a direct result of the Nazi persecution of the Jews. The Commission on Human Rights, however, continued to remain silent on the issue of anti-semitism. It was high time for that body to refrain from the sin of silence on the issue and to condemn anti-semitism in all its forms, as it had condemned all other manifestations of discrimination based on ethnic identity. If anti-semitism was in the strict sense of the term discrimination against Jews, that term could also apply to all who claimed semitic origin and as a result suffered discrimination.

34. He said one should not turn a blind eye to the fact that anti-semitic reactions and attitudes were on the rise today in some parts of the world. That form of pernicious intolerance must be denounced and fought against. Respect for the basic civil and political rights of every individual was essential in a democratic society. The Commission had a crucial role in the defence of those rights.

35. Mr. SALECK OULD (Mauritania) warmly welcomed the decisive progress made in 1993 towards dismantling apartheid in South Africa. The fact that on 27 April next all South Africans would be called upon to vote in the first democratic elections in the country's history was an event of the greatest importance, establishing as it did the victory of the forces of democracy and equality over those of racism and racial discrimination.

36. The developments in South Africa, however instructive, were still insecure. Primarily it was up to all the parties concerned in South Africa to work together in order to assure a peaceful and transparent transition. In the immediate future they had to safeguard free and fair elections on the scheduled date. In that connection, Mauritania welcomed the positive contribution to the United Nations observation missions by the OAU, the Commonwealth and the European Union.

37. In its present crucial period, South Africa needed the support of the international community, both to consolidate the new racial constitutional order and to rid itself of the profound economic, social and cultural inequalities that were legacies of the apartheid system. The Commission could be proud of the important part it had played in the fight against apartheid. Now it must encourage the genuine changes taking place in South Africa and respond to South Africa's needs in an appropriate way. The new South Africa would need assistance in consolidating its rule of law, in building a society capable of implanting a human rights culture at all levels and in all parts of the population, and of eliminating the deep-rooted social inequalities inherited from apartheid.

38. Mr. HASSAN (Sudan) endorsed the statement made by the representative of Tunisia. Sudan, a country where many languages, cultures and religions coexisted, believed in the equality of all members of the family of mankind.

39. South Africa had entered upon a new era, marked by reconciliation and oriented towards eliminating the legacy of apartheid. He welcomed the adoption of a new constitution providing for equal rights and duties for all the citizens of the country whatever the colour of their skin, and the establishment of the Transitional Executive Council, a pluralist body which would lead the country towards democracy.

40. His delegation, concerned at the acts of violence committed in South Africa, recalled Security Council resolution 765 (1992) in which the Council urged the South African authorities to take immediate measures to bring an effective end to the ongoing violence and bring those responsible to justice. It was essential to ensure that terrorist action should not disrupt the situation in the country and force the Government to postpone the elections. Moreover, every effort should be made to extirpate the roots of apartheid. In that connection, the international community had to be cautious and not be too quick to re-establish relations with South Africa. In conclusion, he supported the recommendations made by the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15) dated 11 January 1994.

41. Mr. ENDREFFY (Hungary) noted with satisfaction the momentous changes in South Africa that had taken place in recent years and welcomed the holding of the first free elections in April. He wished to express his gratitude and admiration to President De Klerk and Mr. Nelson Mandela, President of the ANC, who had succeeded in ending the apartheid regime.

42. However, the current situation was far from satisfactory: thousands of people were exposed to acts of political violence, not to speak of other human rights violations, described in document E/CN.4/1995/15. That was not to be tolerated. In the run-up to the elections, South Africans should be able to organize and participate in peaceful public demonstrations and political rallies free from fear and intimidation. All the parties in South Africa must take part in the elections and reject violence. The international community also had a duty to provide assistance to ensure that the elections took place in a proper manner. Already, at the request of the Transitional Executive Council, observers were to be sent by the United Nations, the Organization of African Unity, the Commonwealth, the European Union and other institutions. After the elections the international community must stay vigilant, since it

was to be expected that numerous problems inherited from the apartheid system would surface and painful tensions would need to be alleviated. Accordingly, the international community had to be ready to help South Africa by means of all existing mechanisms, including the provision of advisory services and technical assistance.

43. The Hungarian delegation hoped that the Commission's deliberations and resolutions would back up the ongoing democratic process in South Africa in the interest of all South Africans.

The meeting rose at 4.40 p.m.